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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/990,973	12/15/1997	ELIZABETH A. SMITH	01263.59651	1916

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EXAMINER

SALCE, JASON P

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 07/01/2003

16

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

08/990,973

Applicant(s)

SMITH ET AL.

Examiner

Jason P Salce

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 15-26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 3/31/03 have been fully considered but they are not persuasive.

Regarding claims 15-18, applicant argues that Belcher does not teach the added limitation "that a user input can be a request for a first stored operation data or a second operation data" and continues to cite Belcher for specific examples. Examiner disagrees, and argues that Belcher in fact reads on the added limitations. For example, when a user inputs a channel selection option at Column 9, Lines 4-7, the user not only tunes to the proper channel, but also receives the first operation data. Further explained at Column 9, Lines 14-16, this information can be an indication for ordering a pay-per-view program. Therefore, the first request entails selection of the channel, which provides the option to purchase a pay-per-view program, and the second request is the selection of the option to purchase the program. Therefore, claims 15-18 stands rejected as disclosed in the previous Office Action (cited below).

Regarding claims 19-26, applicant argues that Masuko fails to teach displaying a screen including an operation prompt to a user. Applicant provides not arguments in regards to the previously cited passage (Column 14, Lines 46-54), which describes prompting the user with a "Reservation enable display" (also see Column 14, Lines 38-42). The examiner notes that a "prompt" is broad, and does not describe the actual screens disclosed in the applicant's specification. Therefore, claims 19-26 stand rejected as disclosed in the previous Office Action (cited below).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 15-18 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Belcher et al. (U.S. Patent No. 3,987,397).

Referring to claim 15, Belcher discloses transmitting a video signal (Column 5, Lines 43-50) and a plurality of first operation data from a system manager is described as an additional 16-bit command code to be executed at the transceiver (Column 6, Lines 17-19), the first operation data associated with user inputs at a subscriber terminal during a first mode (Column 11, Lines 13-18), each first operation data identifying a particular operation (Column 9, Lines 4-16).

Belcher also discloses receiving the video signal and the first operation data at the subscriber terminal (Column 7, Lines 31-38 and Lines 59-65).

Belcher also discloses storing the first operation data (Column 7, Lines 31-34).

Belcher also discloses receiving a user input (Column 9, Lines 4-16).

Belcher also discloses generating upstream data according to the user input (Column 7, Lines 38-40).

Belcher also discloses transmitting the upstream data to the system manager (Column 7, Lines 13-17).

Belcher also discloses **the user input is one of a request for the first operation data and a request for a second operation data**. The examiner notes the arguments above, where the request for the first operation data consists of changing the channel and receiving a prompt for purchasing a pay program (which is inherently sent from the CDS 11 as an interrogation signal at Column 6, Lines 59-67 and Column 7, Lines 1-3). Specifically, Column 6, Lines 59-61 states that "the word code shown in Figure 2b is generated from a decoder at the remote transceiver in response to the interrogation sequence" and Column 7, Lines 1-3 show that part of the response contains information regarding ordering a pay program.

Referring to claim 16, Belcher also discloses transmitting the request for the second operation data to the system manager (Column 12, Lines 62-64 for providing the viewer response information, which can also be a pay program request (see Column 9, Lines 14-16)).

Belcher also discloses receiving the request for the second operation data at the system manager (see Column 9, Lines 12-14 for sending the request back to the CDS 11).

Belcher also discloses transmitting the second request data (pay program) to the requesting subscriber terminal (see Column 10, Lines 36-37 for selecting programs to view from the CDS 11).

Referring to claim 17, Belcher discloses storing operation data, and the operation data associated with at least one user input during a first mode, the operation data identifying a particular operation, and receiving a user input during a second mode (see

rejection of claim 1 and note that the first mode is the selection of a channel and prompting of a pay program option, and the second mode is selecting the pay program option).

Belcher also discloses comparing the user input during the second mode with the operation data stored associated with the first mode (see Column 7, Lines 31-38 for a description of the digital section which has the capability of coordinating the transmission of words of information to the CDS, and analyzes data for possible action, therefore Belcher inherently teaches that a comparison must be made, in order to check which mode of operation to initiate (pay program request, response to a question, etc.)).

Belcher also discloses performing an operation corresponding with the operation data, which matches the user input during the first mode (Column 7, Lines 11-17 and Column 8, Lines 11-18 and Column 9, Lines 4-16 and Column 10, Lines 32-43). Note this operation could be a channel change, or prompting a question to the user.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Belcher (U.S. Patent No. 3,987,397).

Referring to claim 18, Belcher discloses transmitting the operation data associated with the operation during the second mode (see rejection of claim 16 for

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receiving a pay program) from a system manager (see CDS in Column 6, lines 12-19) and receiving the second operation data at a subscriber terminal (see rejection of claim 16). Belcher fails to disclose that the second operation data replaces the stored operation data during the first mode. The examiner takes Official Notice that a memory can be replaced with newer data in an interactive TV environment. It would have been obvious to modify the digital section, as taught by Belcher, to include a memory which can replace stored operation data with second operation data.

4. Claims 19-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masuko et al (U.S. Patent No. 4,686,564) in view of Seth-Smith et al. (U.S. Patent No. 4,829,569).

Referring to claim 19, Masuko discloses storing a key template map for associating a particular key of a keypad with an operation to be performed by a processor (Column 15, Lines 67-68 and Column 16, Lines 1-8).

Masuko also discloses receiving a key input (Column 16, Lines 9-12).

Masuko also discloses comparing the key input with the key map to determine an operation from the screen (Column 16, Lines 12-34) including the operation prompt during the first mode (Column 14, Lines 46-54).

Masuko also discloses performing the operation from the screen including the operation prompt during the first mode, or another operation associated with the key input during a second mode (Column 14, Lines 46-54 for prompt and Column 16, Lines 12-34 for first mode (channel request) and second mode (pay program option)).

Masuko fails to teach displaying a background video signal. Seth-Smith teaches displaying a background image (Column 14, Lines 11-14 and 47-51). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the external control unit, as taught by Masuko, using the method of displaying a background image, as taught by Seth-Smith, for the purpose of clearly displaying important the text on a video background or a plain background (Column 14, Lines 53-60 of Seth-Smith).

Claim 20 corresponds to claim 19, with the additional limitation downloading the key template map from a system manager (see Column 20, Lines 24-26 of Masuko).

Referring to claim 21, see rejection of claim 19. Also note that Masuko teaches a display at Column 20, Lines 27-31, a memory at Column 19, Lines 26-30, and a processor at Column 19, Lines 31-34. Seth-Smith teaches a keypad at Column 15, Lines 58-60.

Claim 22 corresponds to claim 21, with the additional limitation of a system manager for downloading screen data including the key template map to the memory. See rejection of claim 20.

Claim 23 corresponds to claim 22, with the additional limitation of the screen data further includes attribute data for defining display characteristics (see "Line Formats" section starting at Column 13, Line 52 of Seth-Smith), and displaying this data (Column 14, Lines 47-60).

Claim 24 corresponds to claim 21, with the additional limitation of the keypad including a remote control keypad, which communicates with a processor via infrared

communication. Seth-Smith teaches a keypad that communicates with a microprocessor at Column 15, Lines 58-65. The examiner takes Official Notice that a keypad or remote control can use infrared signals to communicate with a set-top box or television receiver.

Claim 25 corresponds to claim 21, with the additional limitation of the operation prompt identifying a program routine for interactivity. Matthews teaches a routine processed by the CPU when the pay program starts that displays a prompt to turn on the receiver if the pay program is ready to begin (Column 17, Lines 48-68 and Column 18, Lines 1-8).

Claim 26 corresponds to claim 21, with the additional limitation of the background video signal includes a video signal representing a plain colored screen or an incoming video signal. Seth-Smith teaches this limitation at Column 14, Lines 47-60).

Conclusion

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P Salce whose telephone number is (703) 305-1824. The examiner can normally be reached on M-Th 8am-6pm (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-5359 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

June 20, 2003


ANDREW FAILE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600